

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on April 15, 2004, and the references cited therewith.

Claims 1, 4, 8, 17, and 21-23 are amended, claims 3 and 18-20 are canceled, and no claims are added; as a result, claims 1, 2, 4-17, and 21-29 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-2 and 6 were rejected under 35 USC § 102(b) as being anticipated by Welty et al. (U.S. 4,648,103). Claim 1 has been amended to include the limitations of claim 3, which was found to be allowable if rewritten in independent form. Claims 2 and 6 depend on claim 1 which is now believed to be in condition for allowance.

#### **§103 Rejection of the Claims**

Claim 7 was rejected under 35 USC § 103(a) as being unpatentable over Welty et al (U.S. 4,648,103) in view of Numata et al. (U.S. 4,777,655). Claim 7 depends on claim 1 which is now believed to be in condition for allowance.

Claims 17-19 and 23-25 were rejected under 35 USC § 103(a) as being unpatentable over Numata et al (U.S. 4,777,655) in view of Welty et al. (U.S. 4,648,103). Claim 17 has been amended to include the limitations of claim 20, which was found to be allowable if rewritten in independent form. Claims 18 and 19 have been canceled rendering this rejection moot with respect to those claims. Claim 23 has been amended to include additional limitations. Applicant respectfully submits that neither Numata nor Welty, taken alone or in combination, disclose, teach, or suggest the subject matter of amended claim 23, including for example, "an asynchronous divider with at least one true single phase clock flip-flop having embedded logic in an input stage to decode a state of the asynchronous divider and to modify a modulus of the asynchronous divider between an even modulus and an odd modulus." Accordingly, applicant respectfully believes that claims 23-25 are now in condition for allowance.

**Allowable Subject Matter**

Claims 12-16 and 26-29 were allowed.

Claims 3-5, 8-11, and 20-22 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been rewritten to include the limitations of claim 3. Claims 4 and 5 depend on claim 1. Claim 8 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9-11 depend on claim 8 which is believed to be in allowable form. Claim 17 has been rewritten include the limitations of claim 20 and any intervening claims. Claims 21 and 22 depend on claim 17.

**Conclusion**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (952-473-8800) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-2359.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of June, 2004.

Emily Bates  
Name

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